

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION  
OF MICHIGAN,  
Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION,  
Defendants.

Case No.: 5:17-cv-11149-JEL-EAS

Judge Judith E. Levy

**JOINT MOTION TO STAY CASE**

The parties respectfully request an order adjourning the February 13, 2019 Miscellaneous Hearing and staying the case until after April 1, 2019. In support, the parties state as follows:

1. On November 30, 2018, the parties filed the most recent Joint Status Report (the “November 2018 JSR”). In the November 2018 JSR, the parties summarized continued disagreement on a number of issues, including the fully-briefed issue of the review and production of records from the TECS database
2. On December 12, 2018, the Court issued a Notice to Appear ordering the parties to appear for a Miscellaneous Hearing regarding the November 2018 JSR.

3. On January 14, 2019, the Court reset the Miscellaneous Hearing regarding the November 2018 JSR for February 13, 2019.
4. On January 30, 2019, the parties conferred, and counsel for Plaintiff indicated that Plaintiff does not wish to pursue the issues raised in the November 2018 JSR. Accordingly, the parties agreed that the adequacy of Defendants' search for records, the review and production of records from the TECS database, and the application of all FOIA exemptions to the records produced in this case are no longer in dispute and that the parties will not seek summary judgment on those issues.
5. At this stage, the parties submit that the only issue remaining in dispute is the proper allocations of costs and attorneys' fees in this matter.
6. The parties respectfully request that they be provided more time to confer in good faith to resolve or narrow the issue of costs and attorneys' fees. Accordingly, the parties respectfully request that the Court enter an order adjourning the February 13, 2019 Miscellaneous Hearing regarding the November 2018 JSR and staying the case until after April 1, 2019 to give the parties adequate time to confer in good faith to resolve or narrow the issue of costs and attorneys' fees.

Dated: February 4, 2019

Respectfully submitted,

Attorneys for Plaintiff

Attorneys for Defendants

/s/ Gabriel E. Bedoya

Miriam Aukerman (P63165)  
American Civil Liberties Union  
Fund of Michigan  
1514 Wealthy Street, Suite 201  
Grand Rapids, MI 49506  
(616) 301-0930  
[maukerman@aclumich.org](mailto:maukerman@aclumich.org)

Michael J. Steinberg (P43085)  
Kary L. Moss (P49759)  
American Civil Liberties Union  
Fund of Michigan 2966 Woodward  
Avenue  
Detroit, MI 48201  
(313) 578-6814  
[msteinberg@aclumich.org](mailto:msteinberg@aclumich.org)  
[kmoss@aclumich.org](mailto:kmoss@aclumich.org)

Gabriel E. Bedoya (P80839)  
Andrew M. Pauwels (P79167)  
2290 First National Building  
600 Woodward Avenue  
Detroit, Michigan 48226  
(313) 465-7254  
[gbedoya@honigman.com](mailto:gbedoya@honigman.com)  
[apauwels@honigman.com](mailto:apauwels@honigman.com)

JOSEPH H. HUNT  
Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Director, Federal Programs  
Branch

/s/ Ashley A. Cheung  
Ashley A. Cheung (NY 5405816)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs  
Branch  
1100 L Street NW, Room 11208  
Washington, D.C. 20530  
Tel: (202) 616-8267  
Fax: (202) 616-8470  
Email: [ashley.cheung@usdoj.gov](mailto:ashley.cheung@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 4, 2019, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s Ashley A. Cheung

Ashley A. Cheung (NY 5405816)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs  
Branch  
1100 L Street NW, Room 11208  
Washington, D.C. 20530  
Tel: (202) 616-8267  
Fax: (202) 616-8470  
Email: [ashley.cheung@usdoj.gov](mailto:ashley.cheung@usdoj.gov)